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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,881	03/07/2007	Frank Scott	ALU 800974/LUC-B14	5960

47382 7590 10/14/2010

Carmen Patti Law Group, LLC
One N. LaSalle Street
44th Floor
Chicago, IL 60602

EXAMINER	
LEBASSI, AMANUEL	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
10/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,881	SCOTT ET AL.	
	Examiner	Art Unit	
	AMANUEL LEBASSI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-23, 25-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-23 and 25-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9, 11-23, 25-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim1-5, 8-9, 11-19, and 22-23, 25-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Crook US 20040218035 in view of Soderbacka et al. US 20030114158.

Regarding claim 1, Crook discloses a method of controlling communications service in a telecommunications system (**abstract - method of transferring between communication channels of differing bandwidth therefore controlling communications service in a telecommunications system**). Crook discloses first and second subsystems, the first subsystem being adapted to support first and second communications services and the second subsystem being adapted to support the second communications service (**paragraph [0066] – where the first system video and voice and the second**

system voice). Crook discloses the method comprising the following steps in the case of a first mobile terminal having a call in progress with a second terminal under the first communications service the first subsystem (**paragraph [0074] where the calling terminal having a call in progress with the called terminal using video service)**. Crook discloses detecting a call transfer condition for transferring the call to the second subsystem, if the second subsystem is not adapted to process the call under the first communications service, changing service from the first communication service to the second communication service (**paragraph [0071] where the video option is unavailable thus transferring the call to voice**). Crook discloses transferring the call to the second subsystem (**paragraph [0071] video to voice handover**) but is silent after the change of service is complete, transferring the call to the second subsystem.

However, Soderbacka teaches change of services (**paragraph [0012] where the mobile has to handoff from 3g WCDMA type to a 2g GSM (voice or audio) type)**.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the invention of Crook and add transferring the call to the second subsystem. The motivation would be in order to guarantee a continued and satisfactory supply **(paragraph [0005]).**

Regarding claim 2, Crook modified by Soderbacka teaches wherein a radio network controller of the first subsystem is connected to a core network switch and a radio network controller of the second subsystem is connected to a second core network switch, wherein, after the first switch has been informed of said detection of a call transfer condition, a request to transfer the call from the first switch to the second switch is transmitted (**col. 2, lines 14-19, where radio resource information to be transmitted between MAPs (Mobile Application Parts) in heterogeneous networks: the UMSC (first switch) transmits information to the MSC (second switch))**,, and wherein the inability of the second subsystem to process the call under the first communications service is indicated to the first switch by a transfer failure message sent in response to said transmission of the call transfer request **(col. 2, lines 36-38 where handoff is impossible under current situations).**

Regarding claim 3, Crook discloses wherein the first subsystem is of the third generation and the second subsystem is of the second generation (**paragraph [0066] – where the first system video (3G) and voice (2G) and the second system voice (2G)**).

Regarding claim 4, Crook discloses wherein the first communications service necessitates a higher transmission bit rate than the second communications service (**abstract**).

Regarding claim 5, Crook discloses wherein each communications service is associated with coding over at least a segment of the call and the service change request includes a request to change the coding over said call segment (see above).

Regarding claim 6, Crook discloses wherein the coding associated with the first communications service is compatible with the H.324 standard (**paragraph [0062] - H324 standard).**

Regarding claim 7, Crook discloses wherein the first communications service is a video telephone service (**paragraph [0066] – where the first system video (3G)).**

Regarding claim 8, Crook discloses wherein the second communications service is a voice telephone service (**paragraph [0066] – where the second system is voice (2G))**.

Regarding claim 9, Crook discloses wherein Adaptive Multi rate (AMR) coding is associated with the second communications service (**paragraph [0009] – where the GSM processing unit includes AMR)**.

Regarding claim 11, the combination of above discloses wherein, if the second communications service necessitates a bit rate over a radio segment that is strictly lower than a maximum bit rate value authorized by the second subsystem, the surplus bit rate is used to transmit data via at least said base station of the radio access network of the second subsystem (see above).

Regarding claim 12, Crook discloses wherein the service change request is transmitted to the first mobile terminal Hand to the second terminal (**paragraph [0066]**).

Regarding claim 13, Crook modified by Soderbacka wherein the service change request is transmitted to the second terminal via at least a switch, a radio network controller and a base station to which the second terminal is connected **(col. 2, lines 14-38).**

Regarding claim 14, Crook discloses wherein the service change request includes a request for modification of radio access bearer characteristics of the call respectively at the mobile first terminal end and at the second terminal end (abstract).

Regarding claim 15, Crook discloses a core network switch of a telecommunications system comprising first and second subsystems each

including a radio access network comprising base stations and at least a radio network controller connected to at least some of said base stations, at least some of the radio network controllers also being connected to said core network switch, the first subsystem being adapted to support first and second communications services and the second subsystem being adapted to support the second communications service (**paragraph [0066] – where the first system video and voice and the second system voice**). Crook discloses said core network switch comprising, in relation to a first mobile terminal having a call in progress with a second terminal under the first communications service via a base station of the radio access network of the first subsystem(**paragraph [0074] where the calling terminal having a call in progress with the called terminal using video service)**. Crook discloses means for receiving an indication that the radio network controller of the first subsystem has detected a call transfer condition for transferring the call to a base station of the radio access network of the second subsystem (**paragraph [0066])**; and means for requesting a service change in order for said call to continue under the second communications service if the second subsystem is not adapted to process the call under the first communications service and if the second subsystem is not adapted to process the call under the, fast communication service (**paragraph [0071] where the video option is unavailable thus transferring the call to voice**). Crook discloses changing service from the first communication service to the second communication service (**paragraph [0071] video to voice handover** but is silent

after the change of service is complete, transferring the call to the second subsystem.

However, Soderbacka teaches change of services (**paragraph [0012] where the mobile has to handoff from 3g WCDMA type to a 2g GSM (voice or audio) type**).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the invention of Crook and add transferring the call to the second subsystem. The motivation would be in order to guarantee a continued and satisfactory supply **(paragraph [0005]).**

Regarding claim 16, Crook modified by Soderbacka teaches wherein the radio network controller of the first subsystem is connected to said core network switch and the radio network controller of the second subsystem is connected to a second core network switch, the switch further comprising means responding to reception of an indication that a call transfer condition has been detected by transmitting a call transfer request to the second switch (**col. 2, lines 14-19, where radio resource information to be transmitted between MAPs (Mobile Application Parts) in heterogeneous networks: the UMSC (first switch) transmits information to the MSC (second switch))** and means for deducing that the second subsystem is not able to process the call under the first communications service from the reception of a transfer failure message in

response to transmission of said can transfer request **(col. 2, lines 36-38 where handoff is impossible under current situations).**

Regarding claim 17, Crook discloses wherein the first subsystem is of the third generation and the second subsystem is of the second generation (**paragraph [0066] – where the first system video (3G) and voice (2G) and the second system voice (2G)**).

Regarding claim 18, Crook discloses wherein the first communications service necessitates a higher transmission bit rate than the second communications service (**abstract**).

Regarding claim 19, Crook discloses wherein each communications service is associated with coding over at least a segment of the call and the means for requesting a service change comprise means for requesting a coding change over said segment of the call **(see above).**

Regarding claim 20, Crook discloses wherein the coding associated with the first communications service is compatible with the H.324 standard (**paragraph [0062] - H324 standard).**

Regarding claim 21, Crook discloses wherein the first communications service is a video telephone service (**paragraph [0066] – where the first system video (3G)).**

Regarding claim 22, Crook discloses wherein the second communications service is a voice telephone service (**paragraph [0066] – where the second system is voice (2G))**.

Regarding claim 23, Crook discloses a switch wherein Adaptive Multi Rate (AMR) coding is associated with the second communications service (**paragraph [0009] – where the GSM processing unit includes AMR)**.

Regarding claim 25, Crook discloses wherein the means for requesting a service change comprise means for transmitting a service change request to change from the first communications service to the second communications service to the mobile first terminal and to the second terminal (abstract).

Regarding claim 26, Crook discloses wherein the means for transmitting a service change request to the second terminal are provided by at least a switch, a radio network controller and a base station to which the second terminal is connected (see Fig. 2).

Regarding claim 27, Crook discloses wherein the means for requesting a service change include means for requesting a modification of characteristics of at least a radio access bearer of the call (abstract).

Regarding claim 28, Soderbacka teaches wherein said transfer failure message is sent to the first core network switch and is forwarded to the radio network controller of the first subsystem and the step of informing the first switch of detection by the radio network controller of the first subsystem of a call transfer condition for transferring the call to a base station of the radio access network of the second subsystem is repeated for as long as a transfer failure message is forwarded to the radio network controller of the first subsystem **(paragraph [0063] and [0110]).**

Regarding claim 29, Crook discloses a switch according to claim 16, further comprising means for forwarding said transfer failure message to the radio network controller of the first subsystem (see above).

Conclusion

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amanuel Lebassi
/A. L./
10072010

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617